

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALIVECOR, INC.,  
Plaintiff,

v.

APPLE, INC.,  
Defendant.

Case No. 21-cv-03958-JSW (SK)

**ORDER REGARDING DISCOVERY  
LETTER BRIEF**

Regarding Docket Nos. 79, 80

Defendant Apple, Inc. (“Apple”) seeks to compel Plaintiff AliveCor, Inc. (“AliveCor”) to provide additional responses to Interrogatory No. 1. (Dkt. No. 79.) Interrogatory No. 1 asks: “For each and every market and sub-market You allege or contend is relevant to the claims allged in Your Complaint, describe in detail the factual bases for Your allegation or contention[.]” (Dkt. No. 79-1.) Interrogatory No. 1 contains nine sub-parts with more detailed questions about the relevant markets or sub-markets. AliveCor opposes the motion and argues that Interrogatory No. 1 is a contention interrogatory to which AliveCor has responded adequately in a ten-page response. The Court DENIES the motion to compel a further response from AliveCor. AliveCor has provided a lengthy response based on the fact known to it at this time. As the Court noted in a previous Order in this matter addressing a dispute about another contention interrogatory (from AliveCor to Apple), a contention interrogatory at this point is premature. The interrogatory here from Apple to AliveCor does request facts, as opposed to legal opinions, but AliveCor responded with the information it had. The Court cannot force AliveCor to manufacture additional facts.

**IT IS SO ORDERED.**

Dated: July 28, 2022



SALLIE KIM  
United States Magistrate Judge